

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

PITTSFIELD GENERATING COMPANY, L.P.,

Plaintiff,

v.

DEVON CANADA CORPORATION,

Defendant.

Civil Action No:  
04-30128-MAP

**DEFENDANT DEVON CANADA CORPORATION'S  
STATUS REPORT ON PARALLEL LITIGATION**

Pursuant to the Court's Order of December 28, 2004, Defendant Devon Canada Corporation ("Devon") hereby submits this report on the status of the parallel Alberta litigation (the "Alberta Action"). As requested by the Court's Order, Devon will continue to file subsequent status reports every six months.

Regarding the parallel Alberta Action, which involves the above-named and additional parties, the parties currently are conducting in Alberta what would be the equivalent of discovery in the United States. More specifically, the following significant events have occurred within the last six months:

1. From January through March, 2007, Peacock Linder & Halt LLP ("PLH"), Counsel for Defendants PE-Pittsfield LLC, PurEnergy I LLC, Pittsfield Generating Company LP ("PGC"), Altresco Inc. and Pittsfield Partners Inc. and Plaintiff by Counterclaim, PGC, and counsel for Devon, Carscallen Lockwood LLP (now Carscallen Leitch LLP) coordinated the timing for answers to the eight-six (86) undertakings of Donald Scholl (representative of the

Defendants and Plaintiff by Counterclaim) and the next round of examinations for discovery (the equivalent of depositions in the United States) (involving the conclusion of discovery of Mr. Scholl and an examination on his answers to undertakings, as well as coordinating the examination of Devon's representative, Mr. Henry Assen).

2. On March 28, 2007, PLH provided Carscallen Leitch LLP with the answers to eighty-four (84) of the eighty-six (86) undertakings given by Mr. Scholl on behalf of Defendants and Plaintiff by Counterclaim. Numerous additional records were provided in connection with such answers.

3. On May 24, 2007, Devon's representative swore a Supplemental Affidavit of Records.

4. On May 28, 2007, PLH provided the final two answers to Mr. Scholl's undertakings.

5. On May 29, 2007, PLH provided a draft Amended Statement of Defence and Amended Counterclaim to Carscallen Leitch LLP, and sought Devon's consent to the filing of same, to which Devon consented.

6. On May 30 and 31, 2007, Carscallen Leitch LLP conducted a continued examination for discovery of Mr. Scholl and conducted an examination on the answers to the undertakings given by Mr. Scholl at his examination for discovery in August of 2006. Thirty (30) more undertakings were given by Mr. Scholl.

7. On May 31, June 1, and June 7, 2007, PLH conducted an examination for discovery of the representative of Devon, Mr. Henry Assen. Twenty-four (24) undertakings were given by Mr. Assen.

8. The next steps in the litigation will require both Devon and the Defendants and Plaintiff by Counterclaim to provide answers to undertakings given at the examinations on May 30, 31, June 1, and June 7, 2007. Once the answers to undertakings are complete, the parties each will have the opportunity to conduct examinations on the answers provided by the adverse party.

Respectfully submitted,

/s/ Michelle C. Pardo  
Michelle C. Pardo  
John M. Simpson  
Fulbright & Jaworski, LLP  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone: 202-662-0200  
Facsimile: 202-662-4643

Counsel for Defendant  
Devon Canada Corporation

Francis G. Kelleher (BBO #629254)  
Goodwin Procter L.L.P  
Exchange Place  
53 State Street  
Boston, MA 02109  
Telephone: 617-570-1998  
Facsimile: 617-523-1231

Counsel for Defendant  
Devon Canada Corporation

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Defendant Devon Canada Corporation's Status Report on Parallel Litigation was served via electronic filing on the 20<sup>th</sup> day of June, 2007 on the following:

Robert J. Muldoon  
David A. Brown  
Sherin and Lodgen LLP  
101 Federal Street  
Boston, MA 021100

/s/ Michelle C. Pardo